

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

DOMINICK MOORE

§

v.

§

CIVIL ACTION NO. 9:08CV107

JOHN SCULL

§

ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this case has been presented for consideration. The Report and Recommendation recommends that the complaint be dismissed without prejudice for failure to timely effect service and for failure to prosecute. Fed.R.Civ.P. 4(m) and 41(b). No written objections have been filed. The Report and Recommendation was mailed to Plaintiff via certified mail and was returned to the Court with the notation, "unclaimed." The Court therefore adopts the findings and conclusions of the Magistrate Judge as those of the Court.

In light of the foregoing, it is

ORDERED that the above-entitled lawsuit is hereby **DISMISSED** without prejudice. Any motion not previously ruled on is **DENIED**.

So **ORDERED** and **SIGNED** this **3** day of **April, 2009**.



Ron Clark, United States District Judge